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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 UNITED STATES OF AMERICA,
10 Plaintiff,
11 v.
12 TODD MILTON HENRY,
13 Defendant.
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Case No. CR20-147RSL

ORDER GRANTING
STIPULATED MOTION TO
CONTINUE TRIAL AND
PRETRIAL DEADLINES

15 This matter comes before the Court on the parties' stipulated motion to continue trial and
16 pretrial deadlines. Dkt. # 28. Having considered the facts set forth in the motion, and
17 defendant's knowing and voluntary waiver, Dkt. # 27, the Court finds as follows:

18 1. The Court adopts the facts set forth in the stipulated motion: specifically, that defendant
19 had a health issue that caused him to experience issues related to mood and impacted his ability
20 to concentrate on his case, that he had surgery to address the health issue on February 5, 2021,
21 that it takes three to six months after surgery before defendant's doctors can have a sense of how
22 his functioning will be long term, that defendant is currently still experiencing emotional
23 dysregulation, that defendant will be undergoing a complex psychosexual evaluation that will
24 examine the ways in which his disorder played a role in his offense conduct, and that the
25 COVID-19 pandemic made in-person meetings and other forms of communication more
26 difficult. Dkt. # 28. The Court accordingly finds that a failure to grant a continuance would deny
27 counsel, and any potential future counsel, the reasonable time necessary for effective
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ORDER GRANTING STIPULATED MOTION
TO CONTINUE TRIAL - 1

1 preparation, taking into account the exercise of due diligence, within the meaning of 18 U.S.C.
2 § 3161(h)(7)(B)(iv).

3 2. The Court finds that a failure to continue the trial date in this case would likely result in a
4 miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i).

5 3. The Court finds that the additional time requested between August 30, 2021 and the
6 proposed trial date of February 28, 2022, is a reasonable period of delay. The Court finds that
7 this additional time is necessary to provide counsel reasonable time to prepare for trial, to
8 investigate the matter, to gather evidence material to the defense, and to consider possible
9 defenses, considering all the facts set forth above.

10 4. The Court further finds that this continuance would serve the ends of justice, and that
11 these factors outweigh the best interests of the public and defendant in a speedier trial, within
12 the meaning of 18 U.S.C. § 3161(h)(7)(A).

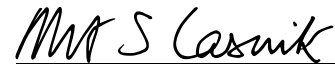
13 5. Defendant has executed a waiver indicating that he has been advised of his right to a
14 speedy trial and that, after consulting with counsel, he has knowingly and voluntarily waived
15 that right and consented to the continuation of his trial to a date up to and including March 31,
16 2022, Dkt. # 27, which will permit his trial to start on February 28, 2022, per the parties'
17 request.

18 IT IS HEREBY ORDERED that the trial date shall be continued from August 30, 2021,
19 to February 28, 2022, and pretrial motions are to be filed no later than January 20, 2022.

20 IT IS FURTHER ORDERED that the period of time from the current trial date of August
21 30, 2021, up to and including the new trial date, shall be excludable time pursuant to the Speedy
22 Trial Act, 18 U.S.C. § 3161, *et seq.* The period of delay attributable to this filing and granting of
23 this motion is excluded for speedy trial purposes pursuant to 18 U.S.C. §§ 3161(h)(1)(D),
24 (h)(7)(A), and (h)(7)(B).

25 IT IS SO ORDERED.
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2 DATED this 13th day of July, 2021.
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6 Robert S. Lasnik
7 United States District Judge
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